

**STATE OF MICHIGAN**  
**COURT OF APPEALS**

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HARRY D. MOORE,

Plaintiff-Appellant,

v

GARFIELD COURT ASSOCIATES,

Defendant-Appellee.

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UNPUBLISHED

May 23, 2006

No. 267440

Macomb Circuit Court

LC No. 267440

Before: White, P.J., and Fitzgerald and Talbot, JJ.

TALBOT, J. (*dissenting*).

I respectfully dissent. Even assuming that salt is harmful to concrete and that defendant used rock salt to de-ice the concrete stairs, no reasonable fact finder would conclude that using salt to reduce the hazards of ice and snow on concrete steps is an “unreasonable act.” Because there was no evidence of an unreasonable act or omission by defendant or that defendant had actual or constructive notice of the condition of the steps, summary disposition in favor of defendant was appropriate. See *Hampton v Waste Mgt of Michigan, Inc*, 236 Mich App 598, 694; 601 NW2d 172 (1999).

/s/ Michael J. Talbot